

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Criminal Action No. 07-48-GMS
	:	
TYRONE ROANE,	:	
	:	
Defendant.	:	

**DEFENDANT'S MOTION TO POSTPONE TRIAL**

Defendant, Tyrone Roane, through his undersigned counsel, Edson A. Bostic, files the instant motion to postpone trial in the above-captioned matter. In support thereof, it is averred as follows:

1. On or about April 3, 2007, Mr. Roane was charged in a three-count Indictment with possession with intent to distribute more than 5 grams of cocaine base, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B); knowingly possessing a firearm during and relating to a drug trafficking crime in violation of 18 U.S.C. § 924 (c)(1)(A); and felon in possession of a firearm, in violation of 18 U.S.C. §§ 922 (g)(1) and 924(a)(2).

2. Pursuant to an earlier motion by the Defense, trial in this matter was rescheduled to begin on December 10, 2007.

3. In making the earlier request for postponement of the trial date, Counsel had indicated that his expert had informed that he was likely to be unavailable due to the need to testify in two matters in Delaware County, Pennsylvania. Since the date of the Order of this Court, Counsel has been working with the expert in an effort to determine whether the other cases in which he is expected to testify could be postponed.

4. Earlier this morning, Defense's expert has informed that those other two matters are

going forward, and there is no possibility that he could testify in Mr. Roane's case on the dates scheduled for trial. Because the testimony of this expert is essential to Mr. Roane's defense and would go far to contest the testimony of the Government's anticipated drug expert, Mr. Roane believes that a second postponement of the trial would be in the interest of justice.

5. Moreover, failure to grant the instant motion will likely deprive Mr. Roane of a full and fair trial, and therefore result in a miscarriage of justice. Additionally, the ends of justice will be served by continuing the case and the requested continuance outweighs the interests of the public and defendant in a Speedy Trial. Furthermore, any period of delay which results from the granting of the instant motion is excludable under 18 U.S.C. § 3161(h)(8)(A).

6. Consequently, Mr. Roane would respectfully request that, in considering the instant motion, this Court postpone the matter for a date after January 4, 2008.<sup>1</sup>

**WHEREFORE**, Defendant, Tyrone Roane, respectfully requests that this Court grant Defendant's Unopposed Motion to Postpone Trial.

Respectfully submitted,

\_\_\_\_\_  
/s/

**EDSON A. BOSTIC**

Federal Public Defender

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Attorney for Defendant Tyrone Roane

Dated: December 5, 2007

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<sup>1</sup>Counsel for the government previously informed that he is unavailable until after January 4, 2008.

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**ORDER**

**AND NOW**, this                      day of                      , 2007, upon  
consideration of the Defendant's Unopposed Motion to Postpone Trial, it is hereby **ORDERED**  
that the Motion is **GRANTED**, and that trial be continued until \_\_\_\_\_.

The Court finds that the ends of justice served by granting this motion outweigh the  
interests of the public and of the defendant in a speedy trial.

The Court also finds that this continuance furthers the ends of justice by allowing the  
defendant reasonable time to effectively prepare for trial, taking into account the exercise of due  
diligence.

The time from the filing of the Defendant's underlying Motion (December 5, 2007) until  
the next trial listing shall be excludable pursuant to 18 U.S.C. §3161(h)(8)(A).

It is so **ORDERED**.

BY THE COURT:

\_\_\_\_\_  
**THE HONORABLE GREGORY M. SLEET**  
Chief Judge, United States District Court Judge